

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DONALD ELIASON, <i>et al.</i> ,)	CASE NO. 1:10CV02093
)	
Plaintiffs,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
GENTEK BUILDING PRODUCTS, INC., <i>et</i>)	
<i>al.</i> ,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Defendants.)	<u>ORDER</u> (Resolving ECF Nos. 56, 57)

I.

Before the Court are the parties' motions for protective orders. [ECF Nos. 56; 57](#). The parties are to adhere to the Protective Order contained in Appendix L of the NDOH's Local Rules with the following modifications:

1. The number of interrogatories is limited to 25 per side. Because Named Plaintiffs are represented by the same attorneys suing on behalf of a purported class, and Defendants are related business entities represented by the same attorneys, both sides have aligned litigation interests. Therefore, it makes sense to limit the number of interrogatories per side, and one identical interrogatory served on all parties on the other side should be counted as one unique interrogatory against each side's limit. Such limitation is without prejudice to the right of any party on either side to seek to increase the number of interrogatories by stipulation or by court order.
2. Counsel may designate certain discoverable material and information as "Attorney's Eyes Only." The non-designating party may challenge the designation for good cause. Such designations should be reserved for personal and, to a lesser extent, technical information that is considered private.
3. Defendant's request for a 7-day objection period prior to the disclosure of Confidential or "Attorney's Eyes Only" to any potential experts is denied.

II.

After consultation with counsel, the Court established the following discovery cutoffs.

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Fact discovery cutoff is November 1, 2012. The report of the party's expert bearing burden of proof is January 1, 2013. Responsive expert reports are due March 1, 2013.

III.

A jury trial date in this matter is set for November 4, 2013. A final pretrial is scheduled for October 2, 2013 at 1:30. Counsel is encouraged to schedule a training session with the Court's deputy clerk to familiarize themselves with the electronic capabilities of the courtroom in advance of trial. Please contact Lisa Murphy at 330-884-7435.

IT IS SO ORDERED.

January 10, 2012

Date

/s/ Benita Y. Pearson

Benita Y. Pearson

United States District Judge